

02-28.02

GAY 1645

RECEIVED

DOCKET NO.: WARF-0135 (P00154US)

MAR 04 2002

PATENT

TECH CENTER 1600/2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Marcin S.
Filutowicz

Serial No.: 09/651,290

Group Art Unit: 1645

Filing Date: August 30, 2000

Examiner: Vanessa L. Ford

For: ANTI-MICROBIAL BIOTHERAPEUTIC AGENTS: ALTERNATIVES TO
CONVENTIONAL PHARMACEUTICAL ANTIBIOTICS

EXPRESS MAIL LABEL NO: EL719246384US
DATE OF DEPOSIT: February 27, 2002

EL719246384US

Box ☒ NON-FEE

☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated November 27, 2001.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____.
- ☐ Other Material as follows: _____.

FEE CALCULATION

☒ No Additional Fee is Due.

| | | | | SMALL ENTITY | | NOT SMALL ENTITY | |
|--|---------------------------------|---------------------|-------|--------------|-----------|------------------|-------|
| | REMAINING AFTER AMENDMENT | HIGHEST PAID FOR | EXTRA | RATE | FEE | RATE | FEE |
| TOTAL CLAIMS | 26 | 30 (20 MINIMUM) | 0 | \$9 EACH | \$0.00 | \$18 EACH | \$ |
| INDEP. CLAIMS | 3 | 4 (3 MINIMUM) | 0 | \$42 EACH | \$0.00 | \$84 EACH | \$ |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT | | | | \$140 | \$0.00 | \$280 | \$ |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME | | | | \$55 | \$0.00 | \$110 | \$ |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME | | | | \$200 | \$0.00 | \$400 | \$ |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME | | | | \$460 | \$0.00 | \$920 | \$ |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME | | | | \$720 | \$0.00 | \$1440 | \$ |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME | | | | \$980 | \$0.00 | \$1960 | \$ |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID | | | | minus | (\$0.00) | minus | (\$) |
| <input type="checkbox"/> TERMINAL DISCLAIMER | | | | \$55 | \$0.00 | \$110 | \$ |
| <input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS: | | | | | | | |
| TOTAL FEE DUE | | | | | \$0.00 | | \$ |

- ☐ A Check is Enclosed in the Foregoing Amount Due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit

account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: *Feb. 27, 2002*

Scott E. Scioli
Scott E. Scioli
Registration No. 47,930

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



RECEIVED

MAR 04 2002

PATENT

Docket No.: WARF-0135

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marcin S. Filutowicz

Group Art Unit: 1645

Serial No.: 09/651,290

Examiner: Vanessa L. Ford

Filed: August 30, 2000

FOR: Anti-Microbial Biotherapeutic

Agents: Alternatives To

Conventional Pharmaceutical

Antibiotics

EXPRESS MAIL LABEL NO.: EL719246384US

DATE OF DEPOSIT: February 27, 2002

Assistant Commissioner for Patents

Washington, DC 20231

AMENDMENT AND REQUEST FOR RECONSIDERATION

UNDER 37 CFR §1.111

Sir:

Responsive to the Official Action dated November, 2001, please amend the above-identified application as follows: